

1 BRYAN A. MERRYMAN (SBN 134357)  
2 bmerryman@whitecase.com  
3 WHITE & CASE LLP  
4 555 S. Flower Street, Suite 2700  
5 Los Angeles, CA 90071-2433  
6 Telephone: (213) 620-7700  
7 Facsimile: (213) 452-2329

*Attorneys for Defendant Sunland Trading, Inc.*

[Additional parties and counsel listed on  
signature page]

8 UNITED STATES DISTRICT COURT  
9  
10 EASTERN DISTRICT OF CALIFORNIA

11 HENRY'S BULLFROG BEES, et al.,  
12  
13 Plaintiffs,  
14 v.  
15 SUNLAND TRADING, INC., et al.,  
16 Defendants.

Case No. 2:21-CV-00582-TLN-CKD

**STIPULATION RE: LEAVE TO  
FILE JOINT OMNIBUS  
MOTION TO DISMISS, PAGE  
LIMITS, AND BRIEFING  
SCHEDULE**

The Honorable Troy L. Nunley  
Local Civ. R. 143, 144(a)

1 TO THE HONORABLE COURT:

2 PLEASE TAKE NOTICE that Plaintiffs Henry’s Bullfrog Bees, Golden Prairie Honey  
3 Farms Corporation, d/b/a Valor Honey, and Kelvin Adee d/b/a Adee Honey Farms (“Plaintiffs”)  
4 and Defendants Sunland Trading, Inc.; Lamex Foods, Inc.; Export Packers Company Limited,  
5 d/b/a Odem International (improperly named as “Odem International Inc.”); Barkman Honey,  
6 LLC; Dutch Gold Honey, Inc.; True Source Honey, LLC; and NSF International (“Defendants”),  
7 hereby agree and stipulate that good cause exists for the following:

8 WHEREAS, on March 29, 2021, Plaintiffs filed their original complaint. ECF No. 1;

9 WHEREAS, on June 28, 2021, Plaintiffs filed their First Amended Class Action  
10 Complaint (“FAC”). ECF No. 43;

11 WHEREAS, on July 9, 2021, the parties stipulated in the interest of judicial economy to  
12 Defendants filing a joint omnibus motion to dismiss the FAC, in which the parties agreed  
13 Defendants would raise all non-defendant-specific grounds for dismissal of the FAC, in addition  
14 to which Defendants would file individual motions to dismiss raising only defendant-specific  
15 grounds for dismissal of the FAC and in which Defendants would not repeat arguments raised in  
16 the joint omnibus motion. ECF No. 45;

17 WHEREAS, on July 12, 2021, the Court granted the parties’ stipulation in relevant part  
18 and granted Defendants leave to file a joint omnibus motion to dismiss not to exceed 25 pages,  
19 Plaintiffs to file an opposition not to exceed 25 pages, and Defendants to file a reply not to exceed  
20 15 pages. ECF No. 46;

21 WHEREAS, on February 25, 2022, the Court granted Defendants’ Motions to Dismiss  
22 pursuant to Federal Rule of Civil Procedure 9(b), granted Plaintiffs leave to file a Second  
23 Amended Complaint no later than March 28, 2022, and ordered to Defendants to “file a  
24 responsive pleading,” if at all, no later than April 18, 2022. ECF No. 95;

25 WHEREAS, in the interest of judicial economy, Defendants intend again to file a joint  
26 omnibus motion to dismiss the Second Amended Complaint, raising all non-defendant-specific  
27 grounds for dismissing the Second Amended Complaint, of not more than 25 pages. Should the  
28 Court grant the parties’ stipulation, Plaintiffs intend to file an opposition to the joint omnibus

1 motion of not more than 25 pages, and Defendants intend to file a reply of not more than 15  
2 pages. One or more Defendants may also file a defendant-specific motion to dismiss raising  
3 grounds for dismissal pertaining to that defendant and not repeating grounds raised in the joint  
4 omnibus motion;

5 WHEREAS, the parties agree in the interests of judicial economy the parties may raise  
6 their arguments in defendant-specific motions to dismiss, related oppositions, and replies within  
7 fewer pages than typically permitted, and on this basis agree the parties shall, subject to Court  
8 approval, have the following page limitations with respect to the briefing on defendant-specific  
9 motions to dismiss, as follows:

- 10 • Sunland Trading, Inc. (“Sunland”): 15 pages for its motion to dismiss, 15 pages for  
11 Plaintiffs’ opposition, and 10 pages for Sunland’s reply;
- 12 • True Source Honey, LLC (“True Source”): 10 pages for its motion to dismiss, 10  
13 pages for Plaintiffs’ opposition, and 10 pages for True Source’s reply;
- 14 • All other Defendants: 10 pages for each defendant-specific motion to dismiss, 10  
15 for each of Plaintiffs’ oppositions, and 5 pages for each reply;

16 WHEREAS, the parties further agree given Defendants intend to file a joint omnibus  
17 motion to dismiss in addition to defendant-specific motions to dismiss, and for each of which  
18 Plaintiffs intend to file oppositions, Plaintiffs’ deadline to file their oppositions shall, subject to  
19 the Court’s approval, be extended by 7 days (for a total of 21 days), and Defendants’ deadline to  
20 file replies shall be extended by 4 days (for a total of 14 days);

21 NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between  
22 Plaintiffs and Defendants, and subject to the Court’s approval, as follows:

- 23 1. In addition to defendant-specific motions to dismiss (with the page limitations  
24 specified herein), Defendants shall have leave to file a single joint omnibus motion to  
25 dismiss the Second Amended Complaint, which may not exceed **25 pages**, and which  
26 shall raise all non-defendant-specific grounds for dismissal of the Second Amended  
27 Complaint, and no defendant-specific motion(s) to dismiss shall repeat the arguments  
28 raised in the joint omnibus motion;

2. In addition to opposition(s) to any defendant-specific motion(s) to dismiss, Plaintiffs shall have leave to file a single opposition to Defendants' joint omnibus motion to dismiss the Second Amended Complaint, which opposition may not exceed **25 pages**, and no opposition to any defendant-specific motion(s) to dismiss shall repeat the arguments raised in the opposition to the joint omnibus motion;
3. In addition to reply(ies) in support of any defendant-specific motion(s) to dismiss, Defendants shall have leave to file a single reply in support of their joint omnibus motion to dismiss the Second Amended Complaint, which reply may not exceed **15 pages**, and no reply in support of any defendant-specific motion(s) to dismiss shall repeat the arguments raised in the reply in support of the joint omnibus motion;
4. The parties shall observe the following page limitations with respect to defendant-specific motions to dismiss, oppositions, and replies thereto:
  - a. Sunland: **15 pages** for its motion to dismiss, **15 pages** for Plaintiffs' opposition, and **10 pages** for Sunland's reply;
  - b. True Source: **10 pages** for its motion to dismiss, **10 pages** for Plaintiffs' opposition, and **10 pages** for True Source's reply;
  - c. All other Defendants: **10 pages** for each defendant-specific motion to dismiss, **10** for each of Plaintiffs' oppositions, and **5 pages** for each reply;
5. Plaintiffs' deadline to file their oppositions to all motions to dismiss shall be **EXTENDED** by 7 days (for a total of 21 days), and Defendants' deadline to file replies in support of their respective defendant-specific motions to dismiss and the joint omnibus motion to dismiss shall be **EXTENDED** by 4 days (for a total of 14 days).

Date: April 14, 2022

WHITE & CASE LLP

By: /s/ Bryan A. Merryman  
Bryan A. Merryman

Bryan A. Merryman (SBN 134357)  
bmerryman@whitecase.com

555 South Flower Street, Suite 2700  
Los Angeles, CA 90071  
Telephone: (213) 620-7700  
Facsimile: (213) 452-2329

Attorney for Defendant  
Sunland Trading, Inc.

Date: April 14, 2022

LEWIS BRISBOIS BISGAARD & SMITH  
LLP

By: /s/ John S. Poulos  
John S. Poulos  
(as authorized on April 12, 2022)

John S. Poulos (SBN 154689)  
Matthew D. Taggart (SBN 227482)  
2020 W. El Camino Ave., Suite 700  
Sacramento, CA 95833  
Telephone: (916) 646-8234

Attorneys for Defendant  
Barkman Honey, LLC

Date: April 14, 2022

VORYS, SATER, SEYMOUR AND PEASE,  
LLP

By: /s/ Thomas N. McCormick  
Thomas N. McCormick  
(as authorized on April 12, 2022)

Thomas N. McCormick (SBN 325537)  
tnmccormick@vorys.com  
4675 MacArthur Court, Suite 700  
Newport Beach, CA 92660  
Telephone: (949) 526-7903  
Facsimile: (949) 383-2384

Nathaniel Lampley, Jr. (admitted *pro hac*  
*vice*)

nlampley@vorys.com  
Jeffrey A. Miller (admitted *pro hac vice*)  
jamiller@vorys.com  
301 E. Fourth Street  
Suite 3500, Great American Tower  
Cincinnati, OH 45202  
Telephone: (513) 723-4616  
Facsimile: (513) 852-7869

Kenneth J. Rubin (admitted *pro hac vice*)  
kjrubin@vorys.com  
52 East Gay Street  
Columbus, OH 43215  
Telephone: (614) 464-5692  
Facsimile: (614) 719-4796

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Date: April 14, 2022

Attorneys for Defendant  
Dutch Gold Honey, Inc  
  
WILSON ELSEER MOSKOWITZ  
EDELMAN & DICKER LLP  
  
By: /s/ David Aveni  
David Aveni  
(as authorized on April 12, 2022)

Michael P. McCloskey (SBN 106051)  
michael.mccloskey@wilsonelser.com  
David J. Aveni (SBN 251197)  
david.aveni@wilsonelser.com  
401 West A Street  
Suite 1900  
San Diego, CA 92101  
Telephone: (619) 321-6200  
Facsimile: (619) 321-6201

Date: April 14, 2022

Attorneys for Defendant  
True Source Honey, LLC  
  
HOWARD & HOWARD ATTORNEYS  
PLLC  
  
By: /s/ Robert L. Rosenthal  
Robert L. Rosenthal  
(as authorized on April 12, 2022)

Robert L. Rosenthal (SBN 173047)  
rrosenthal@howardandhoward.com  
3800 Howard Hughes Pkwy., Ste. 1000  
Las Vegas, NV 89169  
Telephone: (702) 667-4809  
Facsimile: (702) 567-1568

Jon R. Steiger (SBN 229814)  
jsteiger@howardandhoward.com  
9595 Wilshire Boulevard, Suite 900  
Beverly Hills, CA 90212  
Telephone: (424) 303-7700  
Facsimile: (424) 274-3202

Patrick M. McCarthy (admitted *pro hac vice*)  
pmccarthy@howardandhoward.com  
450 West Fourth Street  
Royal Oak, MI 48067  
Telephone: (248) 645-1483  
Facsimile: (248) 645-1568

Attorneys for Defendant  
NSF International

1 Date: April 14, 2022

BOUTIN JONES INC.

2 By: /s/ Vickie Grasu  
Vickie V. Grasu  
3 (as authorized on April 12, 2022)

4 Clint D. Robison (SBN 158834)  
crobison@ohaganmeyer.com  
5 Vickie V. Grasu (SBN 224278)  
vgrasu@ohaganmeyer.com  
O'HAGAN MEYER  
6 21550 Oxnard Street, Suite 1050  
Woodland Hills, CA, 91367  
7 Telephone: (213) 306-1610  
8 Facsimile: (213) 306-1615

9 Attorneys for Defendant  
Lamex Foods, Inc.

10 Date: April 14, 2022

SHEPPARD, MULLIN, RICHTER &  
HAMPTON LLP

11 By: /s/ Leo Caseria  
12 Leo Caseria  
13 (as authorized on April 12, 2022)

14 Leo Caseria (SBN 240323)  
lcaseria@sheppardmullin.com  
15 333 South Hope Street, Forty-Third Floor  
Los Angeles, CA 90071  
16 Telephone: (213) 617-4206  
Facsimile: (213) 620-1398

17 Date: April 14, 2022

18 Attorneys for Defendant Export Packers  
Company Limited, d/b/a Odem International  
MILSTEIN JACKSON FAIRCHILD &  
19 WADE, LLP

20 By: /s/ Marc A. Castaneda  
Marc A. Castaneda  
21 (as authorized on April 13, 2022)

22 Gillian L. Wade (SBN 229124)  
gwade@mjfwlaw.com  
23 Sara D. Avila (SBN 263213)  
savila@mjfwlaw.com  
24 Marc A. Castaneda (SBN 299001)  
mcastaneda@mjfwlaw.com  
25 10990 Wilshire Boulevard, Suite 800  
Los Angeles, CA 90024  
26 Telephone: (310) 396-9600

27 REESE LLP  
Michael R. Reese (SBN 206773)  
28 mreese@reesellp.com

100 West 93rd Street, 16th Floor  
New York, New York 10025  
Telephone: (212) 643-0500

Carlos F. Ramirez (pro hac vice to be filed)  
cramirez@reesellp.com  
7 Skyline Drive  
Hawthorne, New York 10532  
Telephone: (914) 860-4994

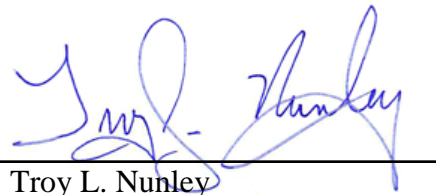
FITZGERALD JOSEPH LLP  
Jack Fitzgerald (SBN 257370)  
jack@fitzgeraldjoseph.com  
Trevor M. Flynn (SBN 253362)  
trevor@fitzgeraldjoseph.com  
Melanie Persinger (SBN 275423)  
melanie@fitzgeraldjoseph.com  
2341 Jefferson Street, Suite 200  
San Diego, California 92110  
Telephone: (619) 215-1741

Attorneys for Plaintiffs

**ORDER**

**IT IS SO ORDERED.**

Dated: 4/14/2022

  
\_\_\_\_\_  
Troy L. Nunley  
United States District Judge